

Response to Office Action
SN 10/731,318
Customer No. 33354

REMARKS

A. Status of the Claims

Claims 1-19 are pending and have been rejected based on prior art.

B. § 102 Rejections Citing Higdon

The Examiner has rejected claims 1-3, 5-9 and 11-14 as being anticipated by U.S. Patent 5,874,889 to Higdon et al. (Higdon). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers, Inc. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant would like to respectfully remind the Examiner that the invention as claimed includes the element of transmitting data that includes a period of time. This feature of the present invention is described in paragraph 0023 of the specification as filed.

Higdon does not disclose a device that transmits data that includes a period of time. Instead, Higdon merely discloses devices that include various timers that activate an alarm if not disabled by the user during a specific timer period. The timers disclosed by Higdon are not transmitted from a cell phone to a computer because they are already on the computer.

Since Higdon fails to disclose this claimed element of the invention, the rejection of independent claims 1 and 11 is improper and the Examiner is respectfully requested to withdraw it. The Examiner is also respectfully

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requested to withdraw the rejections of dependent claims 2-3, 5-9, and 12-14 based on their dependency upon allowable base claims.

C. § 103 Rejections Citing Higdon and Mansell

The Examiner has rejected claim 4 as being obvious in light of Higdon in view of U.S. Patent No. 5,223,844 to Mansell et al. (Mansell). A claim is *prima facie* obvious only if the prior art reference (or references when combined) teach or suggest all the claim limitations. *MPEP* §2143.

Claim 4 depends from claim 1 and therefore includes the limitation of transmitting data that includes a period of time. This claimed element is neither taught by Higdon or Mansell and all the claim limitations of claim 4 are not taught or suggested as required by *MPEP* § 2143. Therefore, this rejection is improper and the Examiner is respectfully requested to withdraw it as well.

D. § 103 Rejections Citing Nordholm and Higdon

The Examiner has rejected claims 15-19 as being obvious in light of U.S. Patent No. 4,978,946 to Nordholm et al. (Nordholm) in view of Higdon. Again, a claim is *prima facie* obvious only if the prior art reference (or references when combined) teach or suggest all the claim limitations. *MPEP* §2143. The Examiner argues that Nordholm discloses all the elements of claims 15-19 except "transmitting a user specified period of time" which the Examiner believes that Higdon discloses.

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Again, Higdon does not disclose transmitting a period of time. The timers disclosed by Higdon are not transmitted from a cell phone to a computer because they are already on the computer. Therefore, Higdon does not disclose a device that transmits data that includes a period of time as claimed in independent claim 15. Therefore, all the claimed elements are not taught by the prior art and the rejection of claim 15 is improper and the Examiner is respectfully requested to withdraw it. The Examiner is also respectfully requested to withdraw the rejection of dependent claims 16-19 based on their dependency upon an allowable base claim.

E. § 103 Rejections Citing Mansell and Higdon

The Examiner has rejected claim 10 as being obvious in light of Mansell in view of Higdon. Again, a claim is *prima facie* obvious only if the prior art reference (or references when combined) teach or suggest all the claim limitations. *MPEP §2143*.

The Applicant would like to respectfully remind the Examiner that claim 10 includes the limitation that the user's cell phone receives a call from a computer service (to confirm the emergency). Higdon does not disclose this element. Instead, Higdon discloses that the controller (210) automatically dials a monitoring station and sends data via a cellular transceiver to the monitoring station. Therefore, the user's cell phone never actually receives a call from the computer, as it does in the present invention. Therefore, claim 10 is not obvious

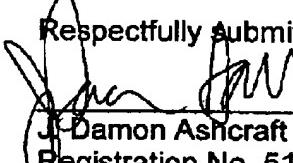
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in light of Mansell in view of Higdon and the Examiner is respectfully requested to withdraw this rejection as well.

CONCLUSION

Applicants respectfully submit that all objections and rejections have been traversed, and that the application is in form for issuance. If the Examiner has any suggestions or comments that would place the application in even better form for allowance, he is invited to call Applicants' representative, Damon Ashcraft at 602-681-3331.

Respectfully submitted,



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12/6/05

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